

EXHIBIT 56

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Yvonne Gonzalez Rogers, Judge

CHASOM BROWN, ET AL.,)	
)	
Plaintiffs,)	
)	
VS.)	NO. CV 20-03664-YGR
)	
GOOGLE LLC,)	
)	
Defendant.)	
_____)	

Oakland, California
Tuesday, October 11, 2022

TRANSCRIPT OF PROCEEDINGS

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1 understand that perfectly well. They say, "We know what that
2 means. It means that if I'm doing something on my device, it's
3 not going to be seen by people who are using my device," but
4 not that it somehow makes them invisible on the web.

5 Article after article, including statements by the --
6 published statements by the plaintiffs' own expert also showed
7 they understood precisely what Incognito does, but if we're
8 faced with a class where we have a few representatives who say,
9 "Well, I never saw this," or "I didn't understand it," we will
10 be at a --

11 **THE COURT:** So how many millions of people then did
12 not? How many millions of people did not understand it, even
13 based on your survey?

14 **MR. SCHAPIRO:** It's hard to know because this gets
15 into another problem with class certification. It is
16 impossible to truly know how many people --

17 **THE COURT:** Ballpark, Mr. Schapiro.

18 **MR. SCHAPIRO:** Ballpark, [REDACTED].

19 **THE COURT:** [REDACTED] of people did not even --
20 even in your best case, did not understand.

21 **MR. SCHAPIRO:** I'm sorry. I misunderstood you. How
22 many people on our surveys? Yes. We're talking -- when we're
23 talking about a class of hundreds of millions of people, if you
24 have a large percentage that had awareness and another
25 percentage who did not have awareness, the numbers are going to